

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BERYL HARTER, et al., }  
vs. } Plaintiffs, } Case No. 2:12-cv-00084-MMD-PAL  
CPS SECURITY (USA), INC., et al., } Defendants. }

The court conducted an informal telephonic case management and scheduling conference at the request of counsel for the parties on Wednesday, April 10, 2013, at approximately 1:30 p.m. Leon Greenberg appeared telephonically on behalf of the Plaintiff, and Carol Davis Zucker appeared telephonically on behalf of the Defendants. Counsel for the parties advised the court that they have a discovery dispute concerning an attorney/client-work product privilege at issue waiver dispute involving in-house counsel and co-counsel for Defendants, Jim Newman. A Rule 30(b)(6) deposition on Defendant's corporate designee concerning Defendants' affirmative defenses is scheduled for Tuesday, April 16, 2013. The parties have requested and received three extensions of the discovery plan and scheduling order deadlines. The current discovery cutoff is May 1, 2013, and dispositive motions are due June 18, 2013.

Counsel for both sides agree that it would be more cost effective and efficient to obtain a ruling from the court on the at issue waiver of the attorney-client and work product privilege concerning Mr. Newman before the Rule 30(b)(6) deposition. This would avoid multiple sessions of the deposition. Counsel for Defendant is preparing responses to Plaintiffs' Request for Production of Documents which requests documents relevant to this dispute and expects to serve opposing counsel with the Defendants' response within the next week. Counsel for Plaintiffs indicated that he would soon be sending

1 opposing counsel a letter outlining the subject matter areas on which testimony would be requested  
2 concerning this dispute. Both sides believe that the issue can be adequately addressed and decided  
3 without proceeding with a Rule 30(b)(6) deposition and obtaining a deposition transcript of the specific  
4 questions and answers to which instructions not to answer were made.

5 Counsel for the parties proposed that Plaintiffs have until April 16, 2013, to file his motion.  
6 Defendants agreed to file a response by April 29, 2013, and Plaintiffs will file a reply by May 6, 2013.  
7 The parties also requested that the court allow the Rule 30(b)(6) deposition at issue in this dispute to  
8 take place after the current discovery cutoff, and to extend the dispositive motion deadline.

9 The court advised counsel for the parties that any discovery disputes must be fully briefed and  
10 decided before the June 26, 2013, consolidated settlement conference ordered by the district judge in  
11 this case and the related case. For good cause shown,

12 **IT IS ORDERED** that:

- 13 1. The parties' request for a briefing schedule on the at issue waiver dispute is **GRANTED**.
  - 14 a. Plaintiff shall have until April 16, 2013, in which to file a motion and  
memorandum of points and authorities in support of Plaintiffs' position.
  - 15 b. Defendants shall have until April 29, 2013, to file a response.
  - 16 c. Plaintiffs shall have until May 6, 2013, in which to file a reply.
- 17 2. A hearing on this motion is set for **Tuesday, May 14, 2013, at 10:30 a.m.**
- 18 3. The parties' request to postpone the Rule 30(b)(6) deposition until after decision of this  
discovery dispute is **GRANTED**. The parties shall meet and confer and be prepared to  
address dates to take the deposition at the May 14, 2013, hearing.
- 19 4. The parties' request to extend the deadline for filing dispositive motions is **GRANTED**,  
and counsel for the parties shall also be prepared to discuss their proposal for an  
extension of the dispositive motion deadline at the May 14, 2013, hearing.

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21 Dated this 11th day of April, 2013.

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Peggy A. Teen  
28 United States Magistrate Judge